

Appl. No. 10/539231
Reply to Action dated April 29, 2008

REMARKS

Applicants respectfully request favorable reconsideration and reexamination of this application.

Claims 1-2, 4-11, 16-18, and 20-25 have been revised.

Revision to claims 1 and 11 are supported by, for example, Figs. 2 and 5, original claim 19, and page 9, lines 7-12 in the Specification.

Revision to claim 2 is supported by, for example, original claim 8.

Revision to claim 16 is supported by, for example, original claim 24.

Dependent claims 4-10 have been revised to track with revision to claim 1. Claims 5, 6, and 7 have been revised to depend on claim 1.

Claims 17 and 18 have been revised to depend on claim 16.

Dependent claims 20-25 have been revised to track with claim 11. Claim 21 has been revised to depend on claim 11.

Claims 3 and 19 have been canceled.

There is no new matter. Claims 1-2, 4-18, and 20-25 are pending, with claims 1-2 and 4-10 having been withdrawn from consideration.

Claim Rejections – 35 USC § 112

Claims 17 and 19-25 were rejected under 35 USC 112, second paragraph. Applicants do not concede the correctness of the rejection. Claim 19 has been canceled, rendering this rejection moot against it. Claims 17 and 20-25 have been revised to address the rejection. Claim 17 has been revised to depend on claim 16. Claim 16 has the limitation “a sheet” and thus there is antecedent basis for “the sheet” in claim 17. Claims 20-25 have been revised wherein the limitation “the liquid storage container” has been corrected to “cartridge” to track with claim 11 from which they depend. Applicants respectfully request the rejection be withdrawn.

Claim Rejections – 35 USC § 102

Claims 11-14, 16-20, and 22-25 were rejected under 35 USC 102(b) as being anticipated by Hiramatsu et al. (WO01/196882; English version referenced in the rejection is US2002/0155616). Claim 19 has been canceled, rendering this rejection moot against it. Applicants do not concede the correctness of the rejection.

Appl. No. 10/539231
Reply to Action dated April 29, 2008

Regarding claim 11, the rejection stated that "vessel 28" in Fig. 1 of Hiramatsu et al. discloses a claimed feature that moves adhering liquid that adheres on a peripheral portion of the upper opening of the well. Applicants respectfully disagree. Hiramatsu et al. merely discloses that Item 28 is a "specimen vessel" into which a "specimen that does not need to be centrifuged" is "injected" using a "pipette" (paragraphs [0043]-[0045] of US2002/0155616). Fig. 1 does appear to show a non-circular opening, but there is no disclosure as to the purpose of the shape of the opening. In fact, Hiramatsu et al. does not even mention the opening of the vessel 28. Furthermore, Hiramatsu et al. also does not discuss the inner surface of the vessel 28. Accordingly, Hiramatsu et al. does not disclose how the shape or surface of the vessel 28 facilitates moving an adhering liquid down the vessel. Hiramatsu et al. does not disclose nor even suggest an adhering liquid moving groove provided on the surface of the vessel 28.

Further, even if a particular portion of vessel 28 could be considered to assist liquid in moving down the vessel, which Applicants are not conceding, Hiramatsu et al. shows a conical shape for the vessel 28 in Figs. 2 and 3. Hiramatsu et al. does not disclose a portion that extends from the opening to an intermediate position short of the bottom of the vessel. In fact, the shape of the vessel 28 is shown to be the same as vessel 26 in Fig. 2 of US2002/0155616, wherein both the shapes are generally conical. A conical shaped surface does not have any additional structure that moves adhering liquid downward by overcoming a surface tension. Accordingly, for the vessel 28, even with having a non-circular opening, the inner surface of the vessel does not have any additional structure that can assist in movement of the liquid, much less an adhering liquid moving groove extending from the upper opening to an intermediate position short of the closed bottom for downwardly moving the liquid which adheres on a peripheral portion of the upper opening of the well and on the closure by overcoming a surface tension of the adhering liquid as required in claim 11. The claimed feature is advantageous because the adhering liquid moving groove makes it possible to prevent unexpected loss of the liquid (see page 9, lines 12-15 in the Specification).

For at least the above reasons, claim 11 is patentable over Hiramatsu et al. Claims 12-14, 16-18, 20, and 22-25 are also patentable for at least the same reasons as claim 11 from which they depend. Applicants respectfully request a favorable reexamination and reconsideration of the claims.

Appl. No. 10/539231
Reply to Action dated April 29, 2008

Claim Rejections – 35 USC § 103

Claim 15 was rejected under 35 USC 103(a) as being unpatentable over Hiramatsu et al. in view of Okubo et al. (JP2001318101). Applicants do not concede the correctness of the rejection. As discussed above, Hiramatsu et al. does not teach or suggest all of the claimed features of claim 11, on which claim 15 depends. Okubo et al. does not remedy the deficiencies of Hiramatsu et al. Thus, claim 15 is patentable over Hiramatsu et al. in view of Okubo et al. Applicants respectfully request a favorable reexamination and reconsideration of the claim.

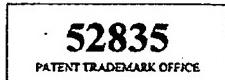
Claim 21 was rejected under 35 USC 103(a) as being unpatentable over Hiramatsu et al. Applicants do not concede the correctness of the rejection. As discussed above, Hiramatsu et al. does not teach or suggest all of the claimed features of claim 11, on which claim 21 depends. Thus, claim 21 is patentable over Hiramatsu et al. Applicants respectfully request a favorable reexamination and reconsideration of the claim.

The withdrawn and currently amended claims 1-2 and 4-10 have a general inventive concept that links with the claims 11-18 and 20-25. The general inventive concept is to prevent loss of usable liquid contained in a container in which the liquid keeps adhering to undesired portions. Accordingly, Applicants respectfully request rejoinder of claims 1-2 and 4-10 upon allowance of claims 11-18, and 20-25.

Appl. No. 10/539231
Reply to Action dated April 29, 2008

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.

Respectfully submitted,



HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

By:

Douglas P. Mueller
Reg. No. 30,300
DPM/ajk

Dated: October 29, 2008